

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

2015CV1010600763

CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

SUMMONS

Jay Connor  
Post Office Box 20302  
Charleston, SC 29413  
(843) 557-5724

PLAINTIFF(S)

Vs

AGETN

Hunter Warfield, Inc.  
1201 Hays Street  
Tallahassee, FL 32301

Corporation Service Company

DEFENDANT(S)

TO THE DEFENDANT(S) NAMED ABOVE:

**YOU ARE SUMMONED** and required to Answer the allegations and present any appropriate Counterclaims/Crossclaims to the attached Complaint/Counterclaim within THIRTY days from the first day after receipt of this Summons. Your Answer must be received by the:

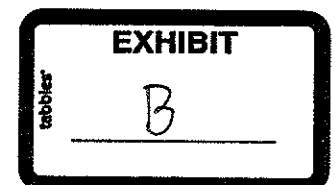
Charleston County  
Small Claims - City  
995 Morrison Drive P. O. Box 941  
Charleston, SC 29403  
Phone: (843) 724-6720 Fax: (843) 724-6785

If you fail to Answer within the prescribed time, a Judgment by Default will be rendered against you for the amount or other remedy requested in the attached Complaint, plus interest and costs. **If you desire a jury trial, you must request one within five (5) business days before the date of trial.** If no jury trial is timely requested, the matter will be heard and decided by the Judge.

**READ ATTACHED INSTRUCTIONS CAREFULLY**

August 21, 2015

MV 38



STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

2015CV1010600763

Civil Action No.

Jay Connor,

Plaintiff,

Vs.

Hunter Warfield, Inc.,

Defendant.

**VERIFIED COMPLAINT**

FILED IN CHARLESTON COUNTY

AUG 21 2015

CITY SMALL CLAIMS COURT

**ADDRESS FOR REGISTERED AGENT OF DEFENDANT HUNTER WARFIELD, INC.:**

Corporation Service Company  
1201 Hays Street  
Tallahassee, FL 32301

Plaintiff complaining of the Defendant alleges as follows:

**TYPE OF ACTION**

1. This is an action to recover statutory damages imposed by 47 U.S.C. § 227, and trebled damages constituting forfeiture or other penalty.

**PARTIES**

2. JAY CONNOR (hereinafter "Connor" or "Plaintiff") is a resident of Charleston County, South Carolina.
3. The calls alleged in this complaint were made to Plaintiff's cellular a/k/a "wireless" telephone in South Carolina.
4. HUNTER WARFIELD, INC. (hereinafter "Hunter Warfield") is a Florida corporation.
5. Hunter Warfield either directly or by those on its behalf, uses automatic telephone dialing systems ("ATDS").
6. Hunter Warfield either directly or by those on its behalf, makes calls to residents of South Carolina.

**ACTS OF THOSE MAKING CALLS ON BEHALF OF DEFENDANT**

7. Whenever it is alleged in this complaint that Defendant did any act, it is meant that the Defendant performed, caused to be performed, and/or participated in the act and/or that Defendant's officers, employees, contractors, assigns, successors, predecessors, affiliates, or other agent performed or participated in the act on behalf of, for the benefit of, and/or under actual or apparent authority of the Defendants.

**DEFENDANT'S USE OF AUTOMATIC TELEPHONE DIALING SYSTEMS**

8. Defendant Hunter Warfield is a third party debt collection company that collects on delinquent accounts for various companies.
9. Defendant directly and/or by those on its behalf, uses a device known as an automatic telephone dialing system ("ATDS").
10. An ATDS is defined as equipment that has the capacity to store or produce numbers to be called using a random or sequential number generator; and dial such numbers.
11. Defendant directly and/or by those on its behalf, did initiate five (5) telephone calls alleged herein with an ATDS.
12. Defendant directly and/or by those on its behalf, is aware of this device's designed operation and/or has knowledge that calls were being made using an ATDS.
13. Defendant directly and/or by those on its behalf, can exercise control over the ATDS.
14. Defendant directly and/or by those on its behalf, can exercise control over the people who make the calls using an ATDS.

**TELEPHONE CALLS MADE TO PLAINTIFF**

**First Call**

15. On or about February 17, 2015 a telephone call (FIRST CALL) was initiated to the Plaintiff's wireless telephone number (843) 743-3608 by or on behalf of the Defendant.
16. The caller ID number transmitted in FIRST CALL was (813) 283-4004.
17. The purpose of the FIRST CALL was, among other things, to collect a debt by the previous subscriber of (843) 743-3608.
18. The FIRST CALL was initiated by ATDS.

19. In the FIRST CALL described herein, Defendant willfully and/or knowingly intended to initiate a call by ATDS.
20. Plaintiff's telephone provider charged Plaintiff for the FIRST CALL.

**Second Call**

21. On or about March 31, 2015, a telephone call (SECOND CALL) was initiated to the Plaintiff's wireless telephone number (843) 743-3608 by or on behalf of the Defendant.
22. The caller ID number transmitted in SECOND CALL was (800) 768-1011.
23. The purpose of the SECOND CALL was, among other things, to collect a debt by the previous subscriber of (843) 743-3608.
24. The SECOND CALL was initiated by ATDS.
25. In the SECOND CALL described herein, Defendant willfully and/or knowingly intended to initiate a call by ATDS.
26. Plaintiff's telephone provider charged Plaintiff for the SECOND CALL.

**Third Call**

27. On or about June 2, 2015, a telephone call (THIRD CALL) was initiated to the Plaintiff's wireless telephone number (843) 743-3608 by or on behalf of the Defendant.
28. The caller ID number transmitted in THIRD CALL was (813) 283-4004.
29. The purpose of the THIRD CALL was, among other things, to collect a debt by the previous subscriber of (843) 743-3608.
30. The THIRD CALL was initiated by ATDS.
31. In the THIRD CALL described herein, Defendant willfully and/or knowingly intended to initiate a call by ATDS.
32. Plaintiff's telephone provider charged Plaintiff for the THIRD CALL.

**Fourth Call**

33. On or about June 10, 2015, a telephone call (FOURTH CALL) was initiated to the Plaintiff's wireless telephone number (843) 743-3608 by or on behalf of the Defendant.
34. The caller ID number transmitted in FOURTH CALL was (800) 768-1011.
35. The purpose of the FOURTH CALL was, among other things, to collect a debt by the previous subscriber of (843) 743-3608.
36. The FOURTH CALL was initiated by ATDS.
37. In the FOURTH CALL described herein, Defendant willfully and/or knowingly intended to initiate a call by ATDS.
38. Plaintiff's telephone provider charged Plaintiff for the FOURTH CALL.

**Fifth Call**

39. On or about June 25, 2015, a telephone call (FIFTH CALL) was initiated to the Plaintiff's wireless telephone number (843) 743-3608 by or on behalf of the Defendants.
40. The caller ID number transmitted in FIFTH CALL was (813) 283-4002.
41. The purpose of the FIFTH CALL was, among other things, to collect a debt by the previous subscriber of (843) 743-3608.
42. The FIFTH CALL was initiated by ATDS.
43. In the FIFTH CALL described herein, Defendant willfully and/or knowingly intended to initiate a call by ATDS.
44. Plaintiff's telephone provider charged Plaintiff for the FIFTH CALL.

**CAUSE OF ACTION - 47 U.S.C. 227 (b) (1) (A) (iii)**

45. Paragraphs 1 through 44 are restated as if set forth herein.
46. Defendant did make FIVE (5) telephone calls referenced above to Plaintiff's wireless telephone using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party.


**Willful or Knowing Violations**

47. Defendant's actions, as described in paragraphs 46 manifest FIVE knowing and/or willful actions in violation of 47 U.S.C. 227 within the meaning of the 1934 Communications Act and the Federal Communications Commission.

**PRAYER FOR RELIEF**

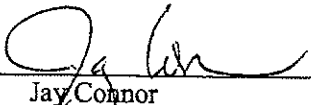
48. WHEREFORE, Plaintiff prays for the following relief, temporarily and permanently:
49. For the statutory damages pursuant to 47 USC 227 (b) (3) (B) of \$500 per call, to be awarded to the Plaintiff in accordance with the TCPA, for each of the Defendant's violations of that TCPA and;
50. For trebled damages to be awarded to the Plaintiff pursuant to 47 USC 227 (b) (3) (B) in accordance with the TCPA, for each of Defendant's willful and/or knowing violations of that TCPA listed in paragraph 46 above; and
51. For unspecified punitive damages in an amount to be determined by this Court.
52. For such other and further relief as the Court may deem just and proper.
53. Plaintiff waives the excess of any award above the jurisdiction of the Court in effect at the time at the time judgment is rendered.

Respectfully submitted,  
This is the 13<sup>th</sup> day of August 2015.

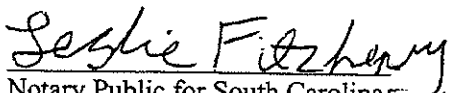
  
Jay Connor Plaintiff, *Pro Se*  
P.O. Box 20302  
Charleston, SC 29413  
(843) 557-5724  
(843) 743-3608

**VERIFICATION**

The Undersigned states and swears that all the forgoing allegations are true and correct to the best of his knowledge and belief.

  
Jay Connor

Subscribed and sworn to before me by Jay Connor on this the 13 day of August 2015.

  
Notary Public for South Carolina  
My commission expires on 6/12/25



STATE OF SOUTH CAROLINA )

**2015CV1010600763**

CIVIL CASE NUMBER

COUNTY OF CHARLESTON )

IN THE MAGISTRATE'S COURT

ANSWER

Jay Connor  
Post Office Box 20302  
Charleston, SC 29413  
(843) 557-5724

PLAINTIFF(S)

Vs

AGENT

Hunter Warfield, Inc.  
1201 Hays Street  
Tallahassee, FL 32301

Corporation Service Company

DEFENDANT(S)

On \_\_\_\_\_ I was served with a Complaint requiring me to answer within thirty days from the date of service. My Answer, which is hereby filed with the **Charleston County Summary Court**, is as follows:

CHECK ONE:

A. ☐ I contest the jurisdiction of the court based on the following: (use additional pages if necessary)

B. ☐ I admit everything in the complaint and do not want a trial.

C. ☐ I admit that I am responsible, but not for the total amount claimed by the Plaintiff(s) because: (use additional pages if necessary)

D. ☐ I deny that I am responsible at all because: (use additional pages if necessary)

**YOU MUST FILE THIS DOCUMENT WITH THE COURT WITHIN THIRTY DAYS**

THE DEFENDANT/PLAINTIFF STATES THAT THE INFORMATION CONTAINED IN THIS ANSWER IS TRUE AND CORRECT TO THE BEST OF HIS/HER KNOWLEDGE.

DATED: \_\_\_\_\_

SIGNATURE OF DEFENDANT(S) (OR ATTORNEY)

**\*\*IF MORE THAN ONE DEFENDANT, ALL MUST FILE ANSWER\*\***

**PLEASE RETURN TO:**

Small Claims - City  
995 Morrison Drive, P. O. Box 941  
Charleston, SC 29403  
Phone: (843) 724-6720



IN THE CHARLESTON COUNTY MAGISTRATE'S COURT

INSTRUCTIONS FOR DEFENDANT

**If you do not wish to oppose the plaintiff's claim you may:**

Contact the plaintiff and make an out-of-court settlement with the plaintiff before the trial date and file with the magistrate court a dismissal of the case signed by the plaintiff, or

Make no answer to the complaint. In that case, the plaintiff will be given a default judgment against you in the amount specified in the complaint.

**If you wish to oppose the claim:**

- a. You must file an answer with the magistrate's court within 30 days after the date of service. If you fail to answer within that time period, you lose your right to defend the case and the plaintiff will be given a default judgment against you in the amount specified in the complaint. Your answer may be made in writing in a form approved by the magistrate within the time limit specified in the summons.
- b. If you answer within the specified time, you will be notified of the time and date of trial. You must maintain a correct mailing address with the Court and you must appear for trial. Should you fail to appear, you lose your right to defend the case and the plaintiff will be given a default judgment against you in the amount specified in the complaint.
- c. At the time of trial you must bring with you all books, papers, witnesses, and evidence you have to establish your defense.
- d. At your request the court will issue a subpoena for any witness you may need (You must request the subpoena as soon as possible and before the trial date). **IF THE SUBPOENA MUST BE SERVED BY A DEPUTY, THERE IS AN ADDITIONAL \$8.00 FEE THAT MUST BE PAID TO THE COURT FOR SERVICE OF THE SUBPOENA.**

If you desire a jury trial, you must request one within FIVE (5) working days before the date set for trial. If no jury trial is timely requested, the matter will be heard and decided by the magistrate.

If you have a claim against the plaintiff that grows out of the same transaction or occurrence as the plaintiff's claim, you may file a Counterclaim. The Counterclaim must be filed with the magistrate within the time limits specified in the summons for answering. The Counterclaim must be made in writing in a form approved by the magistrate. Your Counterclaim will be tried at the same time as the Plaintiff's claim if it does not exceed the jurisdiction of the magistrate to hear. If the Counterclaim exceeds the magistrate's jurisdiction, the entire matter will be transferred to the Circuit Court.

If you have a claim against the plaintiff that does not grow out of the same occurrence or transaction as the plaintiff's claim, you may file a claim (complaint) against the plaintiff. This claim would be heard separate and apart from the plaintiff's claim against you.

If you are a member of the Armed Service of the United States, please advise the court upon the receipt of this summons.

If you are under 18 years of age, please advise the court upon receipt of this summons.

If you are a prisoner in any municipal, county, state, or federal prison, please advise the court upon receipt of this summons.

You may be represented by an attorney, but are not required to have one. The magistrate's court will explain the procedure of the court and will help you prepare papers related to your action if you require such assistance. The Court cannot, however, represent you, provide you with an attorney or give you any legal advice.

If you are a business and are going to be represented by a Non-Lawyer, a Non-Lawyer Authorization Form must be included with your Answer/Counterclaim. (See 33-1-103 SC Code of Laws)

Jay Connor  
P.O. Box 20302  
Charleston, SC 29413



7015 0640 0006 5087 6454



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U.S. POSTAGE  
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Hunter Warfield, Inc. c/o  
Corporation Service Company  
1201 Hays Street  
Tallahassee, FL 32301

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